

**REMARKS**

After the foregoing amendment, claims 1, 2, 7, 10-12 and 16-21 are currently pending in this application. Claims 3-6 and 13-15 have been canceled without prejudice, and claims 8 and 9 are withdrawn. Claims 1, 2, 7, 10-12 and 16 have been amended. New claims 17-21 have been added. All claim amendments and new claims are fully supported in the specification and/or drawings. No new matter is introduced herein.

**Request for Withdrawal of the Finality of the Office Action**

Applicants respectfully request that the Examiner withdraw the finality status of the Office Action mailed on July 29, 2009 because an RCE is filed herewith.

**Claim Rejections - 35 USC §103(a)**

Claims 1-3, 6-7, 10-12 and 15-16 stand rejected under 35 U.S.C. § 103(a) as obvious over Lindsay (US Patent No. 6,301,242) and Ranta (US Patent No. 6,775,259). Further, claims 4, 5, 13 and 14 stand rejected under 35 U.S.C. § 103(a) as obvious over Lindsay, Ranta and Miller, II (U.S. Patent No. 5,600,707). Applicants respectfully submit, however, that these claims are patentable over the cited references of record for at least the reasons set forth below.

Claim 1, as amended herein, recites in part:

...transmitting the signaling message to the external device after placing the user message in the spare field of the generated message;  
and

...responsive to transmitting the signaling message, discontinuing the attempt to establish the connection between the mobile terminal and the external device;

and claim 10, as amended herein, recites in part:

...receiving a reply message from the external device in reply to the transmitted signaling message; and

responsive to receiving the reply message, discontinuing the attempt to establish the connection between the mobile terminal and the external device.

These features may be found, for example, in Applicants' originally filed specification at page 5, lines 26-30, or in original claims 1 and 10.

Lindsay discloses a communication system. In particular, and with reference to FIG. 9, a user station transmits a call originate request to a base station to attempt to acquire an available time slot. If it does not acquire a time slot, the user station times out and attempts to acquire a time slot from a different base station. If it does acquire a time slot, the user station transmits an originate call traffic request. If no acknowledgement is received, the user station attempts to originate a call on another base station. Lindsay, col. 27, lines 37-49.

With respect to claims 1 and 10, the Examiner argues that Lindsay discloses that "the terminating step can be triggered/initiated at anytime." However, as the Examiner also points out with respect to claim 1, "Lindsay does not disclose...the process wherein the termination step is being triggered/initiated by the communication of the user message." Further, with respect to claim 10, the Examiner points out that "Lindsay does not disclose...the process wherein the termination step is being triggered/initiated by the receipt of the reply to the user message." Indeed, Lindsay does not disclose "responsive to transmitting the signaling message, discontinuing the attempt to establish the connection between the mobile terminal and the external device," as recited in Applicants' claim 1," or

“responsive to receiving the reply message, discontinuing the attempt to establish the connection between the mobile terminal and the external device,” as recited in Applicants’ claim 10.

Ranta discloses a base station 400 that includes “connections from the BCCH section 403 and from the CBCH section 404 to the PCH section, so that the information which normally is transmitted on the BCCH or CBCH can be placed in the spare octets of the paging messages generated in the PCH section.” Ranta col. 5, lines 49-55 and FIG. 4. Ranta also does not disclose “responsive to transmitting the signaling message, discontinuing the attempt to establish the connection between the mobile terminal and the external device,” as recited in Applicants’ claim 1,” or “responsive to receiving the reply message, discontinuing the attempt to establish the connection between the mobile terminal and the external device,” as recited in Applicants’ claim 10. Indeed, it appears that the Examiner agrees because the Examiner does analyze Ranta with respect to either of these features.

The Examiner only addresses the above-recited features of claims 1 and 10 as follows:

Therefore, it would have been obvious to a person of ordinary skill[] in the art at the time the invention was made to modify Lindsay in view of Ranta in order to place information and/or user message in a spare field of signaling message and terminate the set-up of the call channel once the user message has been communicated.

(re: claim 1).

Therefore, it would have been obvious to a person of ordinary skill[] in the art at the time the invention was made to modify Lindsay in view of Ranta in order to place information and/or user message in a spare field of signaling message and terminate the set-up of the call channel once the reply to the user message has been received.

(re: claim 10).

Accordingly, the Examiner has not established a prima facie case of obviousness because the Examiner has not provided any references teaching discontinuing an attempt to establish a connection between the mobile terminal and the external device either responsive to transmitting the signaling message or responsive to receiving the reply message. Accordingly, Applicants respectfully request withdrawal of the § 103 rejection of these claims.

Claims 2, 7 and 17 depend from claim 1, and claims 11, 12, 16 and 18-21 depend from claim 10, both of which claims are patentable over the cited references of record for at least the reasons provided above. Accordingly, Applicants also respectfully request withdrawal of the § 103 rejection of claims 2, 7, 11, 12 and 16 and allowance of new claims 17-21.

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**Application No.:** 09/913,885

**Conclusion**

If the Examiner believes that any additional minor formal matters must be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, this application is in condition for allowance, and Applicants respectfully request a notice to that effect.

Respectfully submitted,

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Enclosure